

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re LIDODERM ANTITRUST LITIGATION

MDL Docket No. C-14-md-02521 WHO

This document relates to ALL CASES

**STIPULATION AND ORDER AMENDING
SCHEDULE**

(Civil Local Rule 6.2, 7.12)

1 The parties stipulate, subject to this Court's approval, and hereby jointly move to extend the
2 date for close of fact discovery by 90 days, from January 28, 2016 to April 27, 2016, and to advance all
3 dates accordingly. The reasons are as follows:

4 1. This multi-party antitrust case requires the production and review of hundreds of
5 thousands of documents, and the taking of many depositions – the parties have allocated up to 40
6 depositions for each side. Discovery in this action has been particularly complex because of the
7 substantial number of documents withheld by the parties on grounds of privilege, and the responsibility
8 of counsel to evaluate and meet and confer concerning the claims of privilege, and to seek to resolve
9 privilege issues before taking depositions. In addition, the parties have encountered challenges in
10 scheduling depositions, which require the coordination of the calendars of multiple counsel as well as
11 witnesses, some of whom are former employees of the defendants.

12 2. On January 15, 2015, prior to the opening of discovery, the Court entered a Stipulated
13 Scheduling Order setting forth a case schedule through trial, including a fact discovery cutoff of
14 October 28, 2015. [Doc. No. 134]. On August 5, 2015, the Court entered an Order, at the request of the
15 parties, amending the case schedule by extending the fact discovery cut-off date by 90 days and
16 extending subsequent dates. [Doc. No. 245].

17 3. The parties have diligently pursued their document production and review obligations,
18 seeking to obtain and produce documents in a timely fashion, and to address disputes concerning
19 privilege claims cooperatively or, when necessary, with the assistance of the Court, before beginning
20 depositions.

21 4. While the parties' efforts to address privilege issues are ongoing, the parties have also
22 scheduled certain depositions. The parties currently have firm dates for 12 depositions to be taken in
23 December and January, and are continuing to work on scheduling others.

24 5. The parties have met and conferred and believe, subject to the Court's approval, that
25 permitting the parties to continue their work on privilege issues, while at the same time taking
26 depositions in an orderly manner, with sufficient time between depositions to evaluate the testimony,
27 will promote the efficient use of resources. The parties believe an additional 90 days of fact discovery
28 is necessary to permit the fair and efficient completion of discovery in preparation for trial.

Accordingly, the parties stipulate, subject to approval of the Court, that the schedule for the close of fact discovery and remaining dates on the case schedule, should be amended as follows:

Event	Current Date	Amended Date
Close of fact discovery. All discovery requests must be served to be answerable by this date, except for requests for admissions, which may be served up to 45 days before Rule 56 and Daubert motions are filed	January 28, 2016	April 27, 2016
Plaintiffs to file motions for class certification and class certification expert reports.	February 18, 2016	May 18, 2016
Defendants to file oppositions to motions for class certification and opposing class certification expert reports.	April 20, 2016	July 19, 2016
Plaintiffs file reply briefs in support of motions for class certification and rebuttal class certification expert reports.	June 9, 2016	September 9, 2016
Hearing on motions for class certification	June 22, 2016	September 21, 2016
Parties to serve merits expert reports (party with the burden of proof on the issue serves its expert report on that issue) ¹	July 18, 2016	October 28, 2016
Parties serve opposing merits expert reports	September 27, 2016	January 6, 2017
Parties serve rebuttal merits expert reports	November 10, 2016	February 20, 2017
Close of expert discovery	December 9, 2016	March 17, 2017
Rule 56 and Daubert motions to be filed	January 6, 2017	April 14, 2017
Rule 56 and Daubert oppositions to be filed	February 24, 2017	June 2, 2017
Rule 56 and Daubert replies to be filed	March 30, 2017	July 7, 2017
Hearing on any Rule 56 and Daubert motions	April 19, 2017, 9 a.m.	July 27, 2017, 9 a.m.
Joint final pretrial conference statement and proposed order to be filed	May 29, 2017	September 6, 2017
Final pretrial conference	June 26, 2017	October 2, 2017

¹ The parties may disagree as to who has the burden of proof as to particular issues that will be addressed in the merits expert reports. In the event the parties cannot resolve this issue between themselves, they will seek guidance from the Court at a later date.

Event	Current Date	Amended Date
Trial	August 21, 2017	October 30, 2017

Dated: December 4, 2015

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ATTESTATION STATEMENT


I, Daniel Asimow, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER AMENDING SCHEDULE. Pursuant to Civil L.R. 5-1(i)(3), I attest under penalty of perjury that concurrence in this filing has been obtained from all counsel.

ORDER

PURSUANT TO STIPULATION, THE FOREGOING IS SO ORDERED, with the following exceptions:

Plaintiffs file reply briefs in support of motions for class certification and rebuttal class certification expert reports.	June 9, 2016	September 7, 2016
Rule 56 and Daubert replies to be filed	March 30, 2017	July 3, 2017
Hearing on any Rule 56 and Daubert motions	April 19, 2017, 9 a.m.	July 17, 2017, 9 a.m.

DATED: December 9, 2015


 HON. WILLIAM H. ORRICK
 United States District Court Judge